

House File 603

H-1406

1 Amend House File 603 as follows:

2 1. Page 1, by striking lines 1 through 24.

3 2. Page 1, line 31, after <condemnation> by
4 inserting <, unless such condemnation is undertaken by
5 the department of transportation>

6 3. Page 2, line 3, after <governor.> by inserting
7 <The approval requirements of this subsection shall not
8 apply to condemnation undertaken by the department of
9 transportation.>

10 4. Page 2, before line 4 by inserting:

11 <Sec. ____ . Section 6A.19, Code 2011, is amended to
12 read as follows:

13 **6A.19 Interpretative clause.**

14 A grant in this chapter of right to take private
15 property for a public use shall not be construed as
16 limiting a like grant elsewhere in the Code for another
17 and different use. Unless specifically provided by
18 law, this chapter shall not be construed to limit or
19 otherwise affect the application of chapters 478 and
20 479 to the eminent domain authority of the utilities
21 division of the department of commerce.>

22 5. Page 2, by striking lines 10 through 16 and
23 inserting <In addition, the acquiring agency shall
24 conduct a review of prudent and feasible alternatives
25 to provision of a drinking water source prior to making
26 a determination that such lake development or creation
27 is reasonable and necessary.>

28 6. By striking page 2, line 34, through page 3,
29 line 8, and inserting <by one or more registered
30 professional engineers. The registered professional
31 engineers may employ standards or guidelines other
32 than those recommended by the acquiring agency when
33 determining the number of acres justified as reasonable
34 and necessary for a surface drinking water source. The
35 data and information used by the professional engineers
36 to determine the drinking water capacity needs shall
37 include data and information relating to population
38 and commercial enterprise activity for the area from
39 the two most recent federal decennial censuses unless
40 the district court of the county in which the property
41 is situated has determined by a preponderance of the
42 evidence that such data would not accurately predict
43 the population and commercial enterprise activity of
44 the area in the future.>

45 7. Page 3, by striking lines 10 through 13 and
46 inserting <capacity needs shall be performed upon
47 receipt by the acquiring agency of a petition signed
48 by not less than twenty-five percent of the affected
49 property owners. The engineer to perform the second
50 review or analysis shall be selected by a committee

1 appointed by the affected property owners and comprised
2 of at least fifty percent property owners affected by
3 the proposed condemnation action. The>

4 8. Page 3, by striking lines 21 through 28.

5 9. Page 3, by striking line 31 and inserting:

6 <3. a. (1) ~~For~~ Except as provided in subparagraph
7 (2), for any action brought under this section, the
8 burden>

9 10. Page 3, by striking line 35 and inserting
10 <meets the definition of those terms.

11 a. For any action brought under this section
12 relating to condemnation undertaken by the department
13 of transportation, the burden of proof shall be on the
14 department to prove by a preponderance of the evidence
15 that the finding of public use, public purpose, or
16 public improvement meets the definition of those terms.

17 b. If a property owner or a>

18 11. Page 4, by striking line 9 and inserting:

19 <1. The authority of an acquiring agency that is
20 not the department of transportation to condemn is not
21 conferred, and the>

22 12. Page 4, after line 18 by inserting:

23 <2. The authority of the department of
24 transportation to condemn is not conferred, and the
25 condemnation proceedings shall not commence, unless
26 the department approves the use of condemnation and
27 there is a reasonable expectation the department will
28 be able to achieve its public purpose, comply with
29 all applicable standards, and obtain the necessary
30 permits.>

31 13. By striking page 4, line 19, through page 5,
32 line 35.

33 14. Page 6, line 17, by striking <begun> and
34 inserting <progressed substantially from the date the
35 property was condemned>

36 15. Page 7, by striking lines 5 through 24.

37 16. By renumbering as necessary.

KAUFMANN of Cedar